

REMARKS

Applicant submits the following remarks in response to the Office Action mailed October 9, 2001. Applicant respectfully submits that the Application as it presently stands is in condition for allowance.

The Examiner has rejected pending claims 1, 4-11 and 14-20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Siegel, U.S. Patent No. 4,732,411 ("Siegel"), in view of Kutsuma, U.S. Patent No. 5,905,652 ("Kutsuma"). Applicant respectfully submits that all of the rejected claims are patentably distinct from and allowable over Siegel, Kutsuma and the other art of record.

With respect to Kutsuma, that reference discloses a system for prescription medicine wherein prescription information of a patient is uploaded from a doctor's computer ("host computer") to a pharmacy computer ("personal computer"). The personal computer, which has images of medicine stored therein, then creates a document containing the prescription information and an image of the prescribed drug. A digital camera connected to the personal computer can be used to obtain the images. (See col. 3, lines 19-53).

There is no teaching or suggestion in Kutsuma, however, that the system disclosed therein may be used to identify patients through the use of photographs as claimed in the present invention, nor is there any teaching or suggestion in Kutsuma to combine Kutsuma with Siegel in the manner suggested by the Examiner.

Indeed, Kutsuma teaches away from the claimed invention. In the claimed invention, the secondary computer, which is connected to a digital camera, is used to create and store the patient photographs in software object form. The photographs are then uploaded to the

photograph database in the primary computer, where the prescription database also resides. The primary computer is then used to create and print the prescription labels.

In Kutsuma, on the other hand, the same computer which creates the prescription document containing an image of the medication is the same computer which is connected to digital camera. (See, e.g., figure 1 of Kutsuma). This computer, referred to by Kutsuma as the "personal computer," is arguably analogous to the primary computer of the present invention as it prints the prescription document. The second computer in Kutsuma, referred to by Kutsuma as the "host computer", is arguably analogous to the secondary computer of the present invention, but is not involved in the photographic process.

Thus, assuming, arguendo, that one of ordinary skill in the art would combine Kutsuma and Siegel as suggested by the Examiner, Kutsuma at best would teach that the primary computer of the present invention, and not the secondary computer, be used to obtain patient photographs. This is directly opposite to the present invention, where the secondary computer is used to obtain the patient photographs.

Accordingly, it is respectfully submitted that the claims 1, 4-11 and 14-20 are allowable over Siegel and Kutsuma, as well as the other art of record.

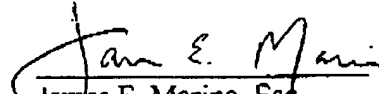
Attached for the Examiner's reference is a copy of the International Search report for the PCT application corresponding to the present Application. The Examiner will note that all of the cited references have been cited by the Examiner.

The Commissioner is hereby authorized to charge any fees required by this response to Account No. 501-814, Order No. 42543.3.

In view of the foregoing, Applicant respectfully submits that the Application is in condition for allowance.

Dated: January 9, 2002

Respectfully submitted,


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Attachment (2 pages)

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US00/34242

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) :G06F 19/00; B42D 15/00

US CL :700/117; 283/70,75,81; 206/534,538

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 700/90,117,231,235,237; 283/70,75,81,67,900; 206/534,538; 221/5; 600/300

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EAST

search terms: medicine, medication, prescription, drug, photograph, picture, image, label

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 4,732,411A (SIEGEL) 22 MARCH 1988, figure 1; col. 2, line 1 to col. 4, line 43.	1-18
Y	US 5,842,976A (WILLIAMSON) 01 DECEMBER 1998, Figure 5; col. 1, lines 12-50; col. 2, lines 35-67; col. 3, lines 43-58; col. 4, lines 57-60; col. 5, lines 39-54; and col. 8, lines 23-32.	1-18
Y	US 4,730,849A (SIEGEL) 15 MARCH 1988; figure 1; col. 1, line 67 to col. 4, line 52.	1-18
A	US 5,174,451A (NIVEN) 29, DECEMBER 1992; figure 3, col. 2, lines 48-54.	1,9
A	US 5,390,796A (KERFOOT, JR.) 21 FEBRUARY 1995; figure 10; col. 2, lines 19-34.	1,9

☒ Further documents are listed in the continuation of Box C. ☐ See parent family annex.

* Special categories of cited documents:	T later documents published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" documents defining the general state of the art which is not considered to be of particular relevance	"X" documents of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"B" earlier document published on or after the international filing date	"Y" documents of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"A" document member of the same parent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" documents published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

24 JANUARY 2001

Date of mailing of the international search report

05 MAR 2001

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Form PCT/ISA/210 (second sheet) (July 1998)*

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US00/34242

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of documents, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4,918,604A (BAUM) 17 APRIL 1990; col. 3, lines 43-46.	7

Form PCT/ISA/210 (continuation of second sheet) (July 1998)*